

# EXHIBIT 1

Affidavit of James Coddington

State of Oklahoma )  
I ss.

County of Pittsburg )

Before me, the undersigned Notary, on this 19<sup>th</sup> day of August, 2021, personally appeared James Coddington, known to me of lawful age, who being by me first duly sworn, on his oath, deposes and says :

- 1) After meeting with Emma Rolls, my attorney for clemency and a member of the lethal injection team, I made the informed decision to elect all of the execution alternatives.
- 2) Attached to this affidavit is my initialed signed election Form.

Further Affiant Sageth Not.

Subscribed and sworn to me this 19<sup>th</sup> day of August, 2021.



Commission #: 05008474  
Commission expires: 9/12/21

Justi G. Lee  
Notary Public

Plaintiff's Initials      Alternative Pled (Compl. ¶ 114)

Jc

Execution by a single dose of FDA-approved pentobarbital or sodium pentothal (thiopental) as provided by Charts A and B of the Execution Protocol as described fully in Plaintiffs' Third Amended Complaint paragraph 114(a).<sup>1</sup>

Jc

Execution by a single dose of compounded pentobarbital or sodium pentothal (thiopental) as described fully in Plaintiffs' Third Amended Complaint paragraph 114(b).

Jc

Execution by a single dose of 40 milligrams of FDA-approved midazolam and potassium chloride, as described fully in Plaintiffs' Third Amended Complaint paragraph 114(c).

Jc

Execution by firing squad as described fully in Plaintiffs' Third Amended Complaint paragraph 114(d).

**Interrogatory No. 16:** Identify where and from whom the State of Oklahoma can obtain pentobarbital or sodium pentothal for use in an execution to be held within the State, as pled in ¶ 114 of your Complaint.

**Supplemental Response:** Subject to foregoing objections, Plaintiffs respond as follows:

The State of Oklahoma has at least five alternative potential sources for pentobarbital: (1) synthesis by a properly licensed chemistry lab; (2) Defendants' technical expert Dr. Buffington who testified that he is aware of a source or sources; (3) the source(s) for the numerous other states that carry out executions using pentobarbital; (4) the source(s) for the federal government, which has recently carried out 13 executions using pentobarbital; or (5) one of the more than 900 pharmacies licensed by the State of Oklahoma and not contacted by the ODOC in an effort to find pentobarbital.

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<sup>1</sup> Relevant excerpts of Plaintiffs' Third Amended Complaint are attached hereto as Exhibit A.

Jc  
8-19-2021

I, James Coddington, declare under penalty of perjury that the foregoing is true and correct, to the best of my knowledge. As to those facts not known personally to me, I have relied on the sources cited above.

8-19-2021  
Date

James Coddington  
Signature